

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 9-16) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention, as now claimed, provides an apparatus for assisting in training players of golf, which includes a platform having first and second coplanar foot support members located on the platform, in which the first coplanar foot support member is fixed in position on the platform, while the second coplanar foot support member is laterally movable on the platform relative to the first coplanar foot support member. Biasing means urge the second coplanar foot support to be adjacent the first coplanar foot support member, absent an externally applied force that causes the second coplanar foot support member to not be adjacent the first coplanar foot support member. The primary purpose, or intended use of the claimed invention, is to assist a golfer in controlling and stabilizing his or her body movement for seeking to attain a controlled and consistent golf swing.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and effective apparatus for assisting in training players of golf, which includes a platform having first and second coplanar foot support members located on the platform, in which the first coplanar foot support member is fixed in position on the platform, while the second coplanar foot support member is laterally movable on the platform relative to the first coplanar foot support member, either disclosed or suggested.

Regarding the presently-entered amendments, it would appear that the Examiner has overlooked Applicant's *Preliminary Amendment*, filed October 31, 2005, which substituted Claims 9-16 for original Claims 1-8. The grounds for the Examiner's 35 U.S.C. §112, second paragraph, indefiniteness rejection of Claim 8, as well as the claim objection issued against Claim 4, do not appear in Claims 9-16, as filed October 31, 2005. It is for this reason that the "status indicators" for Claims 9-16 in this *Amendment* indicate that Claims 9-16 are all "currently amended," rather than "new."

It is not known whether the examination of original Claims 1-8, rather than Claims 9-16, would have in any way altered the Examiner's prior art rejections of the first Office Action. Applicant will, however, treat the issued art rejections as being issued against the corresponding claim(s) of Claims 9-16.

Turning now, in detail, to an analysis of the Examiner's prior art rejections of Applicant's claims, in the first Office Action the Examiner issued a series of anticipation rejections, pursuant to 35 U.S.C. §102(b), contending that independent Claim 1 and various dependent claims were anticipated by one or more of: Hsieh, U.S. Patent No. 6,280,366; List, U.S. Patent Application Publication No. 2002/0151416; Wittemann *et al.*, U.S. Patent No. 4,560,165; and Riivald, U.S. Patent No. 6,569,041. The anticipation rejection of Claim 1 will be treated as a rejection of independent Claim 9, and understood as being the Examiner's contention that all structural elements recited in the several anticipation rejections are found in the enumerated claims of each anticipation rejection.

Applicant agrees that the intended use recited in the preamble of the claims is not sufficient for avoiding an anticipation rejection, but may be sufficient for overcoming an obviousness rejection where structural distinctions over the applied prior art exist.

In reply to the Examiner anticipation rejections of the first Office Action, Hsieh would appear to be lacking one fixed coplanar foot support member, while List does not disclose the inclusion of two foot supports. Riivald is shown as having coplanar foot supports, but without any support base. Neither, Hsieh, List nor Riivald pertain to golf training devices; List and Hsieh disclose general exercise strength training devices, while Riivald pertains to an ice hockey training apparatus. Only Wittemann *et al.* teaches a golf practice device, and the article taught by Wittemann *et al.* has only a single foot support that rotates.

It is respectfully submitted that none of the prior art citations applied as anticipatory references teaches or suggests “a first coplanar foot support member and a second coplanar foot support member on [a] platform, with said first coplanar foot support member being fixed in position and said second coplanar foot support member laterally movable on said platform relative to said first coplanar foot support member,” as now recited in independent Claim 9, nor is it reasonably seen how any of the applied references, whether considered singly or in combination, can be readily modified to yield that which is now most broadly claimed by Applicant in independent Claim 9, as now amended.

In light of the foregoing, it is respectfully contended that the Examiner’s 35 U.S.C. §102(b) anticipation rejections of the first Office Action, as applicable against

independent Claim 9, as now amended, have been overcome and it is respectfully requested that the issued prior art rejections be withdrawn.

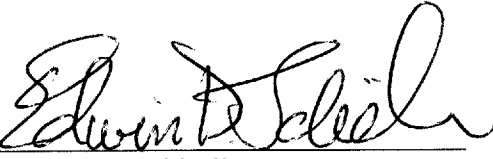
Concerning, finally, the remaining references cited by the Examiner, but not applied in any rejection of Applicant's claims, such additional references have been carefully considered, but are not deemed to adversely affect the patentability of the present invention, as now claimed.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 9-16) recite a novel and effective apparatus for assisting in training players of golf, which includes a platform having first and second coplanar foot support members located on the platform, in which the first coplanar foot support member is fixed in position on the platform, while the second coplanar foot support member is laterally movable on the platform relative to the first coplanar foot support member, which is patentably distinguishable over the prior art.

Accordingly, withdrawal of the outstanding rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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Enc.: 1. Petition for Three-Month Extension of Time for Response; and,
2. EFT for \$525.00 (Three-Month Extension Fee).

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.